Amendments to the Drawings

The attached sheets of drawings include the addition of newly presented Fig. 2A. The sheet which includes Figs. 2 and 2A replaces the original sheet including Fig. 2.

Attachment: 6 Replacement Drawing Sheets

REMARKS

Applicants have carefully reviewed the Examiner's remarks presented in the Advisory Action dated October 14, 2005, in which Applicant's proposed amendments filed on September 13, 2005, were not entered. Accordingly, Applicants specifically request non-entry of the September 13, 2005 response, and in the stead request entry of this Amendment. A petition for a one-month extension of time under 37 CFR §1.136(a) and the appropriate fee under 37 CFR §1.17(a) are concurrently submitted herewith, thus extending the period for response to November 14, 2005.

Currently, claims 44-52 and 56-86 are pending in the application, wherein claims 44-52, 56-75 and 77-86 are rejected and claim 76 is objected to as depending from a rejected base claim. With this response, claims 66 and 72 have been amended to correct clerical errors. Additionally, claims 44 and 73 have been amended, and claim 87 has been added. No new matter has been added with the amendments. Favorable consideration of the current listing of claims in view of the following comments is respectfully requested.

The drawings are objected to under 37 CFR §1.83(a). The Examiner asserts the limitations of claim 46, namely "the metallic stiffener is interposed between the inner tubular liner and the non-metallic stiffener", must be shown in the drawings or cancelled from the claims. Figure 2A, which does not include new matter, has been added with this amendment. Additionally, the paragraph beginning at page 8, line 26 of the specification has been amended to make direct reference to Figure 2A. Applicants assert at least this paragraph of the specification supports newly added Figure 2A, and no new matter has been included in the application with the amendments. Figure 2A and the accompanying portion of the specification provide sufficient support for that claimed in claim 46. Withdrawal of the objection is respectfully requested.

Claims 44-52, 56-57, 59-75, 77 and 79-86 stand rejected under 35 U.S.C. §102(e) as being anticipated by Samson et al., U.S. Patent No. 6,143,013 (hereinafter Samson). Applicants respectfully traverse this rejection. Samson fails to teach each and every claim limitation required to demonstrate anticipation of the claimed invention.

Samson fails to teach what is claimed in claim 44. Claim 44 recites:

> A catheter comprising an elongate tubular member having a proximal end, a distal end, and a lumen extending therebetween, the lumen defined by an inner tubular liner, the elongate tubular member comprising:

a relatively stiff proximal section comprising a metallic stiffener and a non-metallic stiffener, the metallic and non-metallic stiffeners being coaxially wound exterior to a proximal portion of the inner tubular liner; and

a relatively flexible distal section comprising the non-metallic stiffener coaxially wound exterior to a distal portion of the inner liner, the metallic stiffener terminating before reaching the distal section such that the distal section is free of a metallic stiffener.

Samson teaches a catheter shaft having a braided metallic reinforcing member. See Samson, Abstract. Preferably the braid is made of super-elastic alloy ribbons. Samson discloses, in some instances, a minor portion of the ribbons forming a braid may include non-super-elastic alloy materials. See Samson, column 13, lines 4-18. However, Samson states, "to accomplish the benefits of the invention, the major portion of the ribbons making up a braid should be super-elastic alloy." Samson, column 14, lines 22-24.

The presently claimed invention includes a metallic stiffener and a non-metallic stiffener coaxially wound about the inner liner in the proximal section. However, the metallic stiffener terminates proximal of the distal section, thus only the non-metallic stiffener is wound about the inner liner in the distal section. Accordingly, the distal section is free of a metallic stiffener.

This is not disclosed by Samson, as the ribbons forming the braids taught in Samson are predominantly metal, preferably a super-elastic alloy, and no portion of the braids are absent a metallic ribbon. Thus, at no point does Samson suggest a portion of a catheter being absent of a metallic ribbon, yet having a non-metallic ribbon as currently claimed.

Therefore, claim 44 is believed to be in condition for allowance as Samson does not anticipate the invention claimed in claim 44. Likewise, claims 45-52 and 56-72, which depend from claim 44, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Samson also fails to anticipate claim 73. Claim 73 recites:

A catheter comprising an elongate tubular member having a proximal end, a distal end, and an inner lumen therebetween, the inner lumen defined by an inner tubular liner, the elongate tubular member comprising:

a relatively stiff proximal section comprising a proximal braid member comprising at least one metal strand and at least one non-metal strand, and a proximal outer cover, the braid being coaxially wound exterior to the inner tubular liner; and

a relatively flexible distal section comprising the inner tubular liner and a distal braid member comprising the at least one non-metal strand of the proximal

braid member, and a distal outer cover, the at least one metal strand of the proximal braid member terminating before reaching the distal section.

Thus, the proximal braid member includes at least one metal strand (hereinafter "the metal strand") and at least one non-metal strand (hereinafter "the non-metal strand"). The distal braid member includes the non-metal strand from the proximal braid member. However, the metal strand from the proximal braid member terminates prior to the distal section comprising the distal braid member. In other words, the proximal braid member includes both the non-metal strand and the metal strand, and the distal braid member includes the non-metal strand, but not the metal strand as the metal strand terminates before reaching the distal section.

Samson fails to show this arrangement. As indicated by the Examiner, Samson suggests a braid formed of metallic and non-metallic ribbons. See Samson, column 13, lines 4-27. However, only a minor number of ribbons may contain non-super-elastic alloy materials. Samson, column 13, lines 4-6. Thus, Samson indicates at least a major portion of each of the braids taught in Samson must include a super-elastic alloy. See, for example, Samson, Abstract; column 7, lines 59-62; column 9, lines 37-40; and column 14, lines 18-24. However, Samson, at no point, teaches a braid absent a metallic ribbon.

The Examiner made specific reference to Figure 8 of Samson in support of the rejection. However, Figure 8 does not anticipate the invention as claimed. Figure 8 shows two braids, an inner braid 244 and an outer braid 246, separated by a middle polymeric layer 254. See Samson, column 14, line 66 through column 15, line 11. Thus, the ribbons of the inner braid 244 are separate and distinct from the ribbons of the outer braid 246. Any ribbons of the inner braid 244 do not form a braid with the ribbons of the outer braid 246. Therefore, Samson does not teach a proximal braid member comprising a metallic strand and a non-metallic strand, and a distal braid member comprising the non-metallic strand of the proximal braid member, but not the metallic strand of the proximal braid member, since all the ribbons of each of the inner braid 244 and the outer braid 246 co-terminate at one longitudinal location.

Therefore, Claim 73 is believed to be in condition for allowance as Samson does not anticipate the invention claimed in claim 73. Likewise, claims 74-86, which depend from claim 73, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 58 and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Samson et al., U.S. Patent No. 6,143,013 (hereinafter Samson). Applicants respectfully traverse this rejection. Claims 58 and 78 depend from claim 44 and include significant additional claimed limitations. As discussed above, Samson fails to anticipate claim 44. Therefore, claims 58 and 78 are necessarily also patentable over Samson. Withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

Date: 11/14/05

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